

Applicant: Albuquerque Rio Bravo Partners

Agent: Sites Southwest

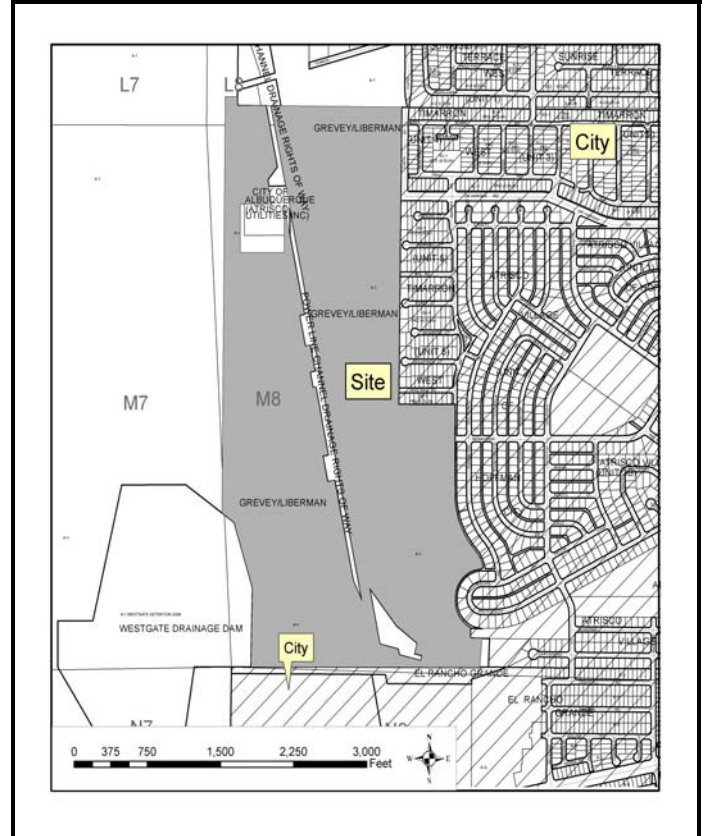
Location: West of the Timarron West Unit 5 and Atrisco Village of Hoffman City Subdivisions

Property Size: 241 acres

Existing Zone: A-1

Proposed Zoning/SUP: Special Use Permit for a Planned Development Area

Recommendation: Deferral



Summary: Sites Southwest, agent for Albuquerque Rio Bravo Partners, requests approval of a Special Use Permit for a Planned Development Area including residential and commercial development.

The site is located in the Developing Urban and Semi Urban Area of the Albuquerque/Bernalillo County Comprehensive Plan and Residential Area four of the Southwest Area Plan.

Staff Planner: Enrico Gradi, Program Planner

Attachments:

1. Application
2. Land Use and Zoning Maps
3. Site Plan (Commissioners Only)

Bernalillo County Departments and other interested agencies reviewed this application from 6-27-06 to 7-10-06.

Agency comments were used in preparation of this report, which begins on page 19.

AGENDA ITEM NO.: 19
County Planning Commission
August 2, 2006

CSU-60033 Sites Southwest, agent for Albuquerque Rio Bravo Partners, requests approval of a Special Use Permit for a Planned Development Area (residential and commercial development), Lands of Grevey/Liberman, Section 32, T10N R2E, located west of the Timarron West Unit 5 and Atrisco Village of Hoffman City Subdivisions, zoned A-1, containing approximately 241 acres. (L-8 & M-8)

AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding Zoning & Land Uses

	Zoning	Land Use
Site	A-1	Vacant with a Power Line Channel and Drainage Rights-of-Way
North	A-1	Vacant
South	A-1	Vacant/City of Albuquerque Municipal Limits
East	Residential	Single family dwellings/City of Albuquerque Municipal Limits
West	A-1	Vacant

BACKGROUND:

The Request

This is a request for a Special Use Permit for a Planned Development Area for a 790 single-family dwellings, town homes and triplexes and 60,000 square feet of commercial space. The site plan proposes open space and park areas and multi-use trails. The applicant proposes to use the north south AMAFCA drainage channel and the PNM easements that run through the development as a landscaped multi-use trail for pedestrians and bicyclists.

The site plan depicts five neighborhoods, which vary with regard to density and housing design.

- Neighborhood A proposes one to two story attached town homes and the lot size is 2, 500 square feet.
- Neighborhood B calls for small lot single-family homes on 4,400 square foot lots.
- Neighborhood C proposes medium size single-family homes on lots of approximately 5,500 square feet.
- Neighborhood D proposes triplex units of approximately 5,400 square foot lots and approximately 60,000 square feet defined for commercial development.
- Neighborhood E is comprised of view lots of 6,600 square feet.

The application states that Albuquerque Rio Bravo Partners has contracted for a master water study of the Atrisco Trunk and identified improvements necessary for the system to serve this and related developments. The water study is currently under review by the Albuquerque/Bernalillo County Water Utility Authority.

Request Justification

The applicant maintains that the request meets the requirements of Resolution 116-86 in that the existing A-1 zoning is no longer appropriate for this area of the county. The applicant reference the Albuquerque/Bernalillo County Comprehensive Plan and the Southwest Area Plan which both call for residential densities that exceed the one dwelling unit per acre that is allowed by the A-1 zone.

Surrounding Land Use and Zoning Activity

The Westgate community exists east of the subject site and it does not appear that there have been any recent county zoning actions in the general vicinity of the site.

APPLICABLE PLANS AND POLICIES:

Albuquerque/Bernalillo County Comprehensive Plan

The site is located in the Developing Urban Area as delineated in the Albuquerque/Bernalillo County Comprehensive Plan. The principal Goal for the area of the Comprehensive Plan is to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas and lifestyles, while creating a visually pleasing built environment.

Policy a states that “the Established and developing Urban Areas shall allow a full range of urban land uses, resulting in an overall gross density of up to five dwelling units per acre.”

Policy d states that “the location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources and resources of other social, cultural, or recreational concern.”

Policy e states, “new growth shall be accommodated through development of areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be assured.”

Policy f states that “clustering of homes to provide larger shared open areas and houses oriented toward pedestrian of bikeways shall be encouraged.”

Policy g states “development shall be carefully designed to conform to topographical features and include trail corridors in the development where appropriate.”

Policy i states that “employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.”

Policy j states “where new commercial development occurs, it should generally be located in existing commercially zoned areas as follows:

- In small neighborhood-oriented centers provided with pedestrian and bicycle access within reasonable distance of residential areas for walking or bicycling.
- In larger area wide shopping centers located at intersections of arterial streets and provided with access via mass transit; more that one shopping center should be allowed at an intersection only when transportation problems do not result.
- In free standing retailing and contiguous storefronts along streets in older neighborhoods.

Policy k states that “land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation operations.”

Policy l states that “quality and innovation in design shall be encouraged in all new development design shall be encouraged which is appropriate for the plan area.”

Policy m states that “urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged.”

Developed Landscape

The Goal is to maintain and improve the natural and the natural and the developed landscapes’ quality.

Policy a states that “the natural and visual environment, particularly features unique to Albuquerque, shall be respected as a significant determinant in development decisions.”

The site is also located within the Semi Urban Area as designated in the Comprehensive Plan. The goal in the Comprehensive Plan is to “maintain the character and identify of semi urban areas, which have environmental, social or cultural conditions limiting urban land uses.”

Land Use:

Policy a states that “development in the semi-urban area “shall be consistent with development limitations imposed by topography, soil conditions, groundwater quality, agricultural potential, flood potential, scenic qualities, recreation potential and existing development; the overall gross density shall be up to three dwelling units per acre.”

Policy b states “development in semi-urban areas shall include trail corridors, where appropriate, and shall be compatible with economic policies and historical and socio-cultural values, and shall maintain and integrate existing and new buildings and spaces of local significance into the community.”

Policy c states that

- “Mixed use areas should protect residential uses in the area, while offering a variety of local employment opportunities.”
- “Strip commercial development is discouraged in favor of clustered commercial development.”

Southwest Area Plan (SWAP)

The site is located in Residential Area Four of the Southwest Area Plan.

Policy 26 allows a maximum residential density of nine dwelling units per net acre in residential Area five and three dwelling units per net acre in residential area three when city sewer services are available.

Policy 9 states, “protect the fragile landforms and air quality in the plan area, new development or major modifications roads and other public facilities shall adapt to existing natural environment, topography, soils, vegetation, geology, and hydrology.

- f. Prohibit excessive cuts and fills that scar the natural landscape and create unstable soil and erosion conditions.

Policy 19 states “all development and subdivisions shall be required to limit the level of water runoff generated from new construction or paving in order to reduce velocity and volume of runoff, and to ensure the viability and capacity of down stream facilities.”

Policy 25 states “The County and City stabilize residential zoning and land use in the plan area.”

- e. Encourage C-2, M-1 and M-2 land uses in the area located south of Woodward and east of Second Street, and the southwest corner of I-40 and Paseo del Volcan, to promote areas of primary development.
- g. Encourage stabilization of residential land use through subdivision design and scale.

Policy 28 states that the areas located between I-25 and Second Street and the area south of I-40 and west of Paseo del Volcan shall be used as primary employment areas due to their location relative to transportation facilities (rail and highway).

Policy 30 states, “standards for outdoor lighting shall be implemented to ensure that their use does not interfere with the night sky environment and unnecessarily adjacent properties.”

- a. Outdoor light poles within residential areas should not exceed sixteen (16) feet in height above existing grade; when mounted on buildings or structures, fixtures should not exceed twelve (12) feet from existing grade.
- b. Encourage landscaped areas within lots to break up large expanses of paved area and enhance pedestrian access.

Policy 42 states "industrial development shall be in accordance with existing environmental and geological conditions.

- c. Restrict new industrial development in areas of fragile soil conditions or in geographically unfit areas, unless indisputable evidence is presented that the area will not be adversely affected.
- d. Locate industrial development in areas with appropriate road design, drainage and infrastructure conducive to industrial activity.
- e. Limit the scale of industry to an appropriate compatible and sustainable level considering environmental factors such as soil conditions, water availability, air quality, noise and suitable geologic formations.

Bernalillo County Zoning Ordinance

Resolution 116-86 defines criteria for evaluating a Zone Map changes and Special Use Permit applications.

The following policies for deciding zone map changes and Special Use Permit applications pursuant to the adopted BCC Zoning Ordinance.

- A. A proposed land use change must be found to be consistent with the health, safety and general welfare of the residents of the County.
- B. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.
- C. A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other Master Plans and amendments thereto including privately developed area plans, which have been adopted by the BCC.
- D. Stability of the land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.
- E. The applicant must demonstrate that the existing zoning is inappropriate because:
 - 1. An error in the original zone map.
 - 2. Changed neighborhood conditions, which justifies a change in land use or
 - 3. That a different use category is more advantageous to the community as articulated in the Comprehensive Plan or other land use plans as adopted by the BCC.
- F. A land use change shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.
- G. Location on a collector or major street is not itself sufficient justification of apartment, office, or commercial zoning.
- H. A zone change request, which would give a zone different from the surrounding, zoning to one small area, especially when only one premises is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
 - 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or

2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.
- I. A zone change request, which would give a zone different from the surrounding zoning to a strip of land along a street, is generally called a "strip zoning." Such a change of zone may be approved only when:
1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

Section 18. Special Use Permit Regulations

A. By Special Use Permit after receipt of a recommendation from the County Planning Commission, the Board of County Commissioners may authorize the location of uses in any one in which they are not permitted by other sections of this ordinance; the Board of County Commissioners may likewise authorize the increase in height of buildings beyond the limits set fourth by sections of the zoning ordinance. With such permits, the Board of County Commissioners may impose limitations as it deems necessary:

1. To ensure that the degree of compatibility of property uses which this section is intended to promote and preserve shall be maintained with respect to the special use on the particular site and consideration of existing and potential uses of property within the zone and the general area in which the use is proposed to be located.
2. To ensure the proper performance standards and conditions are, whenever necessary, imposed upon uses which are, or which reasonably may be expected to become, obnoxious, dangerous, offensive or injurious to the health, safety, or welfare of the public, or a portion thereof, by reason of the emission of noise, smoke, dust, fumes, vibration, odor, or other harmful or annoying substances;
3. To preserve the utility, integrity and character of the zone in which the use will be located, without adversely affecting adjacent zones; and
4. To ensure that the use will not be or become detrimental to the public interest, health, safety, convenience, or the general welfare.

The County Planning Commission must review the Special Use Permit and progress of development from the date of approval and each year thereafter until completion of the plan, and if needed make a recommendation to the Board of County Commissioners to continue or revoke the Special Use Permit.

B. Such Special Use Permits may authorize the following uses:

Planned Development Area, including residential uses or mixed residential and commercial uses provided the minimum development lot area is two acres and the applicant demonstrates the need to vary height, lot area, or setback requirements due to unusual topography, lot configuration, or site features in order to create cluster housing development, preserve visual or physical access to open space or unique site features

Section 7. A-1 Rural Agricultural Zone

- A. The regulations set forth in this section or set forth in this ordinance, when referred to in this section, are the regulations in the A-1 Rural Agricultural Zone. The purposes of this zone are to preserve the scenic and recreational values in the National Forests and similar adjoining land, to safeguard the future water supply, to provide open and spacious development in areas remote from available public services, and to recognize the desirability of carrying on compatible agricultural operations and spacious home developments in areas near the fringes of urban development. The regulations provide for the protection of these important land uses, and are not intended to unduly restrict or regulate farming, or ranching operations.

Section 19. Landscaping and Buffer Landscaping Regulations:

Where a nonresidential zone which is hereafter developed for a business purpose abuts a conforming residential use, special buffer landscaping is required to minimize noise, lighting and sight impact of the nonresidential activities in the residential area.

- A. Landscaping and buffer landscaping will be required in all zones for office, commercial, industrial, and multifamily residential uses; R-1, A-1, A-2 and M-H residential uses are exempt.

1. Sites of one acre or less:

- a. There shall be a landscaped setback along all streets of no less than ten feet.
- b. There shall be a landscaped buffer of six feet between single-family residential uses and office, commercial, industrial, and multifamily residential uses.
- c. Fifteen percent of all paved areas shall be landscaped. The landscaped setback may contribute toward this requirement.

2. Sites one acre and up to five acres. There shall be a landscaped setback along all streets of not less than 15 feet. All other requirements are the same as 1.b and 1.c above.

3. Sites of five acres or more:

- a. There shall be a landscaped setback along all streets of no less than 20 feet.
- b. The landscaped setback shall not be counted toward the landscaping required as a result of paving.
- c. All other requirements [shall be the] same as 1.b. and 1.c. above.

ANALYSIS:

Surrounding Land Use

This is a request for a Special Use Permit for a Planned Development Area for a 790 single-family dwellings, town homes and triplexes and 60,000 square feet of commercial space. The site plan proposes open space areas and multi use trails. The site is comprised of approximately 241 acres and is located adjacent to a developed area of the City of Albuquerque known as Westgate, which is located on the eastern boundary of the site. The area located north, south and west of the site are zoned A-1 and are currently vacant.

Albuquerque Bernalillo Comprehensive Plan

This site is located in the Developing Urban Area as designated by the Albuquerque/Bernalillo County Comprehensive Plan. The principal Goal for the Developing Urban Area of the Comprehensive Plan addresses the creation of a quality urban environment which perpetuates the tradition of identifiable,

individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas and lifestyles, while creating a visually pleasing built environment.

Land use policy a states that the Developing Urban Areas shall allow a full range of urban land uses, resulting in an overall gross density of up to five dwelling units per acre. Further, Policy d establishes that the location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources and resources of other social, cultural, or recreational concern.

Additionally, Comprehensive Plan policy g promotes that development shall be carefully designed to conform to topographical features and include trail corridors in the development where appropriate. Policy m states that site design, which maintains and enhances unique vistas and improves the quality of the visual environment, shall be encouraged.

The Air Quality portion of the Comprehensive Plan calls for pollution from particles to be minimized. The Plan also recommends the use of vegetation, landscaping and other erosion control techniques to minimize dust pollution especially from construction sites. The applicant has addressed this issue in the application however additional information and specific details of the dust control portion of the proposed development may need to be addressed.

Southwest Area Plan (SWAP)

The site is located in Residential Area Three and Five of the Southwest Area Plan, which allows a maximum residential density of three and nine dwelling units per net acre when sewer and water services are available.

The SWAP policies address issues of development with regard to land suitability. Policy 9 promotes the protect the fragile landforms and air quality in the plan area, new development or major modifications roads and other public facilities shall adapt to existing natural environment, topography, soils, vegetation, geology, and hydrology.

Zoning Ordinance

The Zoning Ordinance provides a category for a Special Use Permit for a Planned Development Area, which allows the applicant to request review and approval of residential development proposals or mixtures of residential and commercial developments. The submittal criteria require that the minimum lot area must be two acres and that unusual circumstances for the site exist. These circumstances include: "topographic considerations, or other similar conditions in which special use, height, area, setback, or other regulations may be imposed.

The Special Use category does not contain specific development criteria for the evaluation of a Planned Development Area. However, the Zoning Ordinance does provide the County Planning Commission the ability to evaluate and condition a land use proposal to ensure that the compatibility of property uses are maintained with respect to the special use on the particular site and consideration of existing and potential uses of property within the zone and the general area in which the use is proposed to be located.

Generally, the R-1 zone is used to provide the appropriate zoning for high density in the Developing and Established Urban areas of the County. If the applicant were to secure R-1 zoning for this site, certain lot size requirements and setback standards would be required. These criteria would include a minimum lot width of 60' feet and minimum lot size of 8000 square feet, rather than the proposed average lot width of 45 feet and the average lot size of 5000 square feet. This request underscores an inconsistency between the Southwest Area Plan and the Zoning Ordinance. The Zoning Ordinance allows a minimum net lot size of 8000 square feet, which is approximately 5 dwelling units per acre and is consistent with the Comprehensive Plan. The SWAP allows nine dwelling units per acre in residential Area Five of the SWAP and Three Dwelling Units per Acre in Residential Area Three of the SWAP.

Agency Comments

Comments from the Zoning Administrator address several issues. These issues include but are not limited to the following: The proposed commercial uses are described as being "neighborhood-oriented" and are proposed for "commercial/institutional (C-1) uses", but should be specifically listed as there are several use listed in the C-1 zone which may not be compatible with the surrounding residential uses.

With regard to parking, the general parking regulations in the Zoning Ordinance base the required number of spaces for each residential unit on the total number of bathrooms (or fraction thereof) within a dwelling; but in no case are less than 2 spaces provided for each unit. This means that as a minimum, the apartments (triplexes) will require at least six (6) off-street parking spaces for each unit - and this number may be increased, depending on the total number of bathrooms to be provided. For the proposed townhouse and single-family dwelling units, the provided driveway and probable garage may increase the likelihood of meeting the necessary parking standards, but the applicant's general statement that "two off-street parking spaces will be provided per each dwelling" is too vague to meet the standard. A specific break-down of the type and number of residential units is necessary in order to more accurately consider this portion of the application, and may necessitate common, multiple vehicle parking areas to accommodate cars/trucks for residents in the triplex portion of the development.

The "General Notes" section on page 2 references compliance with the "County Water Conservation Landscaping and Water Use Ordinance" (#5), and this document is cited on the Landscaping Plan. No such ordinance exists and should be removed from the drawings or reworded to convey its purpose.

Landscaping details for each park and trail area should be provided with any future SUP approval. These plans would become the governing documents for the parks and trails, and should list maintenance responsibilities for each site.

Comments from the Bernalillo County Public Works Division state that this property is subject to the Bernalillo County Code Chapter 38 for flood damage prevention and storm drainage and that a conceptual grading and drainage plan, prepared by an engineer licensed in the State of New Mexico, and approved by Bernalillo County Public Works Division is required of the entire site prior to the approval of this special use permit. Further comments reveal that this site is subject to the National Pollution Discharge Elimination System as required by the Bernalillo County Code Chapter 38 Section 147. A Storm Water Pollution Prevention Plan (SWPPP) is required prior to any development.

A portion of this property appears to be within a designated 100-year floodplain as shown on the National Flood Insurance Program's Flood Insurance Rate Map (FIRM). These areas should be shown on the application drawings.

Public Works comments regarding roadway call for a Traffic Impact Study (TIS) for this and other proposed developments, which have been previously submitted. A TIS Supplement for the proposed development is required. A scoping meeting for the TIS Supplement is required. Relocation of some commercial nodes in the original study, changes to the roadway network and concerns regarding the adequacy of the proposed ingress and egress mandate that this TIS Supplement be reviewed and approved by Public Works. All resulting modifications must be addressed by a revised site plan prior to Public Works approval of the proposed Talavera PDA.

Comments from the Public Works Division with regard to water call for a conceptual water budget for the project total water use and the basis for any water use assumption accounting for landscaping, residential use, and commercial use. BCPWD also calls for a conceptual utility plan that identifies approximate location and sizing of any pump stations, reservoirs, or other infrastructure improvements needed to fully supply water to the development. In particular, identify the size and location of the ABCWUA water main that will be used to supply this development. A water and sewer availability statement from the ABCWUA is also required.

The Bernalillo County Office of Environmental Health calls for the resolution of potential water flow issues to residences, commercial sections and fire protection. Booster pumps or other engineered apparatus may be required for this project. These issues shall be resolved prior to development and to the satisfaction of the Water Utility Authority and Bernalillo County.

The Albuquerque Public School System has also commented on the potential impact on the surrounding schools. It appears that the western half of the site is assigned to Painted Sky Elementary, Jimmy Carter Middle School, and West Mesa High School. The eastern half of the site is assigned to Carlos Rey Elementary, Truman Middle School, and West Mesa High School. Currently, Carlos Rey Elementary, Painted Sky Elementary, Jimmy Carter Middle School and West Mesa High School are exceeding capacity. Truman Middle School is nearing capacity.

The Public Service Company of New Mexico states that there appear to be multiple encroachments on PNM easements, for example ponds and street crossings. PNM requires that the applicant must have a signed encroachment agreement from PNM prior to approval.

AMAFCA states that their Board of Directors had authorized the Executive Engineer to send a letter to the owner in June 2002 stating that the developer of the property will be responsible for constructing drainage infrastructure identified in the Amole-Hubbell Drainage Management Plan (DMP) with no participation from AMAFCA. The DMP shows a constructed channel in the Open Space area that is not shown on the Conceptual Drainage Plan.

The City of Albuquerque Utilities Division has sent comments which state that this area is unserviceable for water and that no development can take place.

Analysis Summary

Zoning	
Resolution 116-86	Resolution 116-86 requires that a land use change must clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan. The Albuquerque/Bernalillo County Comprehensive Plan policy i calls for employment and service uses to be located so as to complement residential areas and be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments. The proposed use appears to be of minimal impact to the surrounding community.
Section 18.B. 32	The applicant has submitted support for this request and has responded to resolution 116-86.
Plans	
Comprehensive Plan	The request addresses the goals of the Comprehensive Plan for the Developing Urban Area calling for the creation of a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas and lifestyles, while creating a visually pleasing built environment. encouraging a small-scale, locally-owned and operated industry that complements residential areas.
Area Plan	Policy 26 allows a maximum residential density of nine dwelling units per net acre in Residential Area five and three dwelling units per net acre in Residential Area three when city sewer services are available.
Other Requirements	
Environmental Health	Provide a water and sewer availability statement that identifies how to resolve the current problems of service at this location.

	Provide Bernalillo County Office of EH with design and engineering data for the water and sewer system at this site and final approval for service by the Water Utility Authority.
Public Works	<p>A conceptual grading and drainage plan, prepared by an engineer licensed in the State of New Mexico, and approved by Bernalillo County Public Works Division is required of the entire site. This site is subject to the National Pollution Discharge Elimination System as required by the Bernalillo County Code Chapter 38 Section 147. A Storm Water Pollution Prevention Plan (SWPPP) is required prior to any development.</p> <p>A TIS Supplement for the proposed development is required</p>

Conclusion

Resolution 116-86 establishes policies regarding zone change and Special Use Permit requests. The Resolution states that the applicant must demonstrate that the existing zoning is inappropriate because of an error in the zone map, changed conditions in the neighborhood or community which justifies a change in land use or that a different use category is more advantageous to the community as articulated in the Comprehensive Plan or other land use plans as adopted by the BCC.

The Zoning Ordinance provides a category for a Special Use Permit for a Planned Development Area, which allows the applicant to request review and approval of residential development proposals or mixtures of residential and commercial developments. The submittal criteria require that the minimum lot area must be two acres and that unusual circumstances for the site exist. These circumstances include: "topographic considerations, or other similar conditions in which special use, height, area, setback, or other regulations may be imposed."

As previously noted, the Special Use category does not contain specific development criteria for the evaluation of a Planned Development Area. However, in the case of a Special Use Permit for a Planned Development Area, the Zoning Ordinance does provide the County Planning Commission the ability to evaluate and condition a land use proposal. The evaluation and conditioning of a request for a Planned Development Area may address any needed amenities for the development in relationship to the proposed density or other site features. The applicant has proposed a community park, which is located in the center of the proposed development. The park is approximately 10,000 square feet in size and contains playground equipment.

In addition, Resolution 116-86 requires that a land use change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan. In this case, it appears that the location of the requested use is inconsistent with the Comprehensive Plan in that the Comprehensive Plan allows up to five dwelling units per acre in the Developing Urban Area of the County. Southwest Area Plan Policy 26 allows an overall gross residential density of up to nine dwelling units per acre in Residential Area 5. The proposed site plan and application contains several omissions that should be addressed in order for consideration for a Special Use Permit for a Planned Development Area.

Section 18. B 23 of the Bernalillo County Zoning Code defines the rationale for considering a Special Use Permit for a Planned Development Area as a development including residential uses or mixed residential and commercial uses provided the minimum development lot area is two acres and the applicant demonstrates the need to vary height, lot area, or setback requirements due to unusual topography, lot configuration, or site features in order to create cluster housing development, preserve visual or physical access to open space or unique site features, or to facilitate development as allowed by an approved Master Plan. In this case, a Master Plan has not been approved for the site, however it is possible to consider the current site plan for approval if the applicant addresses the proposed lot sizes, setbacks, variation in housing type and commercial development using the aforementioned criteria. The site plan for a Special Use Permit for a PDA must be specific with regard to proposed lots and lot lines, the proposed townhouse in "Neighborhood A" must be defined if it is intended to create individual town homes which are individually owned and contain their legal lot of record.

Overall, the proposed site plan soundly defines the concept of five separate and distinguishable neighborhood areas, which each have an area for recreation, trail access and access to open space or parks. However, it appears that the

western portion of the site plan, which is the area that contains larger lots, may benefit from some of the design principals that are illustrated in the "Neighborhood A" area which is located on the southeastern portion of the site. The "Neighborhood A" area displays slightly shorter blocks and slightly straighter roadways that are divided by park or open space areas this creates a more accessible area as well as more distinguishable and defined areas.

The inclusion of the proposed commercial area on the north eastern portion of the site is consistent with the principal of creating opportunities for residents to access day to day needs and services with out lengthy travel times. The positioning of the higher density areas close to commercial services is also consistent with the principal of allowing pedestrian access to commercial areas. This area of the County and City does not contain much in the way of neighborhood commercial zoning and the development may benefit with the consideration of additional land allocated for commercial uses.

The high-density triplex area to the north and east of the commercial area appears to present an area of high residential density, which contains a potential for three or more vehicles per structure, presents possible parking issues. Both "Neighborhood D" and "Neighborhood A" may benefit from additional parking areas.

RECOMMENDATION:

Deferral of CSU-60033

Enrico Gradi
Program Planner

BERNALILLO COUNTY DEPARTMENT COMMENTS

Environmental Health:

Provide a water and sewer availability statement that identifies how to resolve the current problems of service at this location.

This location has several design anomalies that does not provide for adequate water flow. Although water quantity and quality is not an issue, the problem is how to get the water to flow for residences, the commercial sections and fire protection. Booster pumps or other engineered apparatus is required for this project. These issues shall be resolved prior to development and to the satisfaction of the Water Utility Authority and Bernalillo County.

Provide Bernalillo County Office of EH with design and engineering data for the water and sewer system at this site and final approval for service by the Water Utility Authority.

Fire:

No comment received.

Zoning Administrator:

RESIDENTIAL USES

Not all of the residential uses described in the proposal are currently recognized by the Zoning Ordinance. The terms "townhouse" and "triplex" are not defined by the ordinance, although a triplex may meet the defined term of "apartment" as listed in Section 5. As outlined in the R-2 zone, apartments are subject to density limitations as outlined in a floor area ratio of 0.5, and are required to provide useable open space of 200 sq. ft. for each efficiency or one bedroom unit, 250 sq. ft. for each two bedroom unit, and 300 sq. ft. for each unit with three or more bedrooms.

In general land-use terms, a townhouse is typically a single one-family dwelling located on its own lot, often with one or more shared walls (zero setbacks). Theoretically, the CPC could approve a PDA which would allow for this, but related subdivision and layout issues should be addressed prior to approval of the SUP.

The commercial development is described as being "neighborhood-oriented" and proposed for "commercial/institutional (C-1) uses", but should be specifically enumerated, either as individual uses or as uses allowed within a corresponding zone.

LOT AREAS & YARDS

Although the underlying zone (A-1) requires a minimum lot area of at least one acre, there are smaller lot sizes allowed by the ordinance. These include sites at 8,000 square feet for R-1 and R-2 lots in the Developing, Established or Central Urban areas, if water and sewer utilities are available. If not, properties in the R-1 and R-2 zones must be at least 14,520 square feet in area, and in all cases, must be at least 60 feet in width. The lots proposed with this development are smaller in area than any currently allowed by the county, and range from 17 to 6.5 times smaller than the 1-acre requirement of the underlying zone. Most of the proposed residential lots do not meet the minimum lot widths allowed in the R-1/R-2 zones.

Additionally, the site plan makes reference to R-1 setbacks for front and rear yards (20' and 15' , respectively) and seeks to reduce the side yards to five feet, with at least 10' separating dwellings. As the A-1 zone requires a 25-foot front and rear yard setback, combined with a 10-foot side yard setback (each side), any type of future residence meeting these standards seems highly unlikely for the proposed lots. However, even compliance with the R-1 standards may be difficult for the townhouse and triplex properties when calculated with the smaller lot sizes proposed for these types of uses.

PARKING

The general parking regulations in the Zoning Ordinance base the required number of spaces for each residential unit on the total number of bathrooms (or fraction thereof) within a dwelling; but in no case are less than 2 spaces provided for each unit. This means that as a minimum, the apartments (triplexes) will require at least six (6) off-street parking spaces for each unit - and this number may be increased, depending on the total number of bathrooms to be provided. For the proposed townhouse and single-family dwelling units, the provided driveway

and probable garage may increase the likelihood of meeting the necessary parking standards, but the applicant's general statement that "two off-street parking spaces will be provided per each dwelling" is too vague to meet the standard. A specific break-down of the type and number of residential units is necessary in order to more accurately consider this portion of the application, and may necessitate common, multiple vehicle parking areas to accommodate cars/trucks for residents in the triplex portion of the development.

GENERAL

The "General Notes" section on page 2 references compliance with the "County Water Conservation Landscaping and Water Use Ordinance" (#5), and this document is cited on the Landscaping Plan. No such ordinance exists and should be removed from the drawings or reworded to convey its purpose.

The first note makes a distinction between private and public streets within the PDA. From a zoning standpoint, the inclusion of this note and differentiation between the two is not understood. However, it should be noted that as a defined term of the ordinance, "Street" includes both public and private rights-of-way (Sec. 5).

Landscaping details for each park and trail area should be provided with any future SUP approval. These plans would become the governing documents for the parks and trails, and should list maintenance responsibilities for each site.

Zoning Enforcement Manager:

Must comply with all Bernalillo County Code regulations for this project.

There are no zoning violations on this property. There is an issue/question of (lot size/setback requirements) cluster housing and open space requirements for town houses and apartment/residential usage.

No other adverse comments.

Public Works:

Water:

The following materials are needed for review of the application. These comments parallel those provided by BCEH.

1. Provide a water and sewer availability statement from the ABCWUA
2. Provide a conceptual water budget for the project total water use and the basis for any water use assumption accounting for landscaping, residential use, and commercial use.
3. Provide a conceptual utility plan that identifies approximate location and sizing of any pump stations, reservoirs, or other infrastructure improvements needed to fully supply water to the development. In particular, identify the size and location of the ABCWUA water main that will be used to supply this development, identify the location, distance to, and size of "from new pump station" and the 18-inch line tie in indicated on sheet 4 of 5.
4. Provide written plan identifying any required infrastructure improvements and identify responsibility for financing and construction.
5. What are the design provisions to ensure that lots retain adequate pervious area to minimize sheet flow to streets and subsequent drainage?

DRAN

1. This property is subject to the Bernalillo County Code Chapter 38 for flood damage prevention and storm drainage.
2. A conceptual grading and drainage plan, prepared by an engineer licensed in the State of New Mexico, and approved by Bernalillo County Public Works Division is required of the entire site prior to the approval of this special use permit.
3. This property is subject to the National Pollution Discharge Elimination System as required by the Bernalillo County Code Chapter 38 Section 147. A Storm Water Pollution Prevention Plan (SWPPP) is required prior to any development.
4. A portion of this property appears to be within a designated 100-year floodplain as shown on the National Flood Insurance Program's Flood Insurance Rate Map (FIRM). Please show these areas on the application drawings.

DRE

1. A Traffic Impact Study (TIS) for this and other proposed developments was previously submitted. A TIS Supplement for the proposed development is required. A scoping meeting for the TIS Supplement is required. Relocation of some commercial nodes in the original study, changes to the roadway network and concerns regarding the adequacy of the proposed ingress and egress mandate that this TIS Supplement be reviewed and approved by Public Works. All resulting modifications must be addressed by a revised site plan prior to Public Works approval of the Talavera PDA.
2. General Note No. 2 states that all streets west of 118th St are to be private. This design condition places access restrictions on public services to individual lots such as mail delivery and school bus routing. Adequate justification for private streets west of 118th St has not been provided and Public Works is requiring that all roads in this PDA be public right-of-way.

Building Manager:

No adverse comments

Parks & Recreation:

BCPR met with applicant at site on June 9, 2006 to discuss possibilities for park and trail improvements. BCPR supports construction of a public trail network and will accept trail improvements in lieu of open space impact fees.

All public multi-use trail improvements shall be built to County standards. The multi-use trail as proposed shall be accessible to the public. Construction of this trail will offer opportunities for connections to the regional trail network.

None of the proposed park areas will be publicly owned or maintained.

Sheriff's:

No comment received.

COMMENTS FROM OTHER AGENCIES

Public Service Company of New Mexico:

There appear to be multiple encroachments on PNM's 115 KV and 345 kV easements, for example ponds and street crossings. Applicant must have a signed encroachment agreement from PNM prior to approval. PNM shall be able to maintain access to easements for maintenance and future use of easement. No landscaping in or adjacent to easement; mature heights of landscaping is limited to 12 feet. Applicant must meet again with PNM regarding this plan.

LM/nas 7-12-06

MRGCOG:

118th Street is identified on the Long Range Roadway System as a Study Corridor for Minor Arterial with a standard ROW of 86'. The Long Range Bikeway System identifies the 118th Street alignment as a study corridor for future bike facility. Please coordinate with Parks and Rec to ensure project inclusion as appropriate.

AMAFCA:

No objection to requested action. The AMAFCA Board of Directors authorized the Executive Engineer to send a letter to the owner in June 2002 stating that the developer of the property will be responsible for constructing drainage infrastructure identified in the Amole-Hubbell Drainage Management Plan (DMP) with no participation from AMAFCA. The DMP shows a constructed channel in the Open Space area that is not shown on the Conceptual Drainage Plan. Also, AMAFCA will not maintain landscaping, trails or other park facilities in the Powerline Channel right-of-way

City Public Works:

Transportation Development::

Application Number ZCSU 60033(99999 De Vargas St SW,Map L-8&M-8)

Proposed Development will required to improve 114th St and De Vargas and follow COA design standards and Development Review Manual for roadway improvements fronting since these two roadways fronting proposed development fall within COA limits.

Transportation Planning:

1. The Amole Arroyo between the Westgate Detention Basin and Snow Vista Channel shall include a 10 to 12 foot wide pedestrian/bicycle trail along the south side of the arroyo as designated in the Amole Arroyo Corridor Plan.
2. The portion of this east-west trail facility within the boundaries of the proposed development is described in the corridor plan as an unpaved, compacted earthen trail with a connection to the trail extending north and south along 118th Street.
3. 118th Street is a proposed bicycle corridor which should contain on-street bicycle lanes as designated on the Long Range Bikeway System map.

Conditions

1. Construction of a 10 to 12 foot wide unpaved, compacted earthen trail along the south side of the Amole Arroyo with a connection to the trail extending north and south along 118th Street in accordance with the Amole Arroyo Corridor Plan.
2. Construction of on-street bicycle lanes along 118th Street adjacent the subject property in accordance with the Long Range Bikeways System map.

Utilities:

This area is unserviceable for water. No development can take place.

City Open Space:

Open Space does not have any comments for projects to be heard August 2, 2006.

City Transit:

No comment

City Planning:

City of Albuquerque Development Services has no adverse comment.

City Environmental Health:

No comment

Albuquerque Public Schools:

Talavera is a proposed mixed-use project located on the Southwest Mesa just west of the Westgate Heights Community. It proposes **790 residential units** consisting of single-family dwellings, townhomes, and triplexes. The proposed project will impact Albuquerque Public Schools. The western half of the site is assigned to Painted Sky Elementary, Jimmy Carter Middle School, and West Mesa High School. The eastern half of the site is assigned to Carlos Rey Elementary, Truman Middle School, and West Mesa High School. **Currently, Carlos Rey Elementary, Painted Sky Elementary, Jimmy Carter Middle School and West Mesa High School are exceeding capacity. Truman Middle School is nearing capacity.**

School	2006-07 Projections	2006-07 Capacity	Space Available
Carlos Rey	960	827	-133
Painted Sky	1,004	850	-154
Truman	1,117	1,153	36
Jimmy Carter	1,180	1,178	-2
West Mesa	2,706	2,100	-606

A new southwest high school is planned to open with a 9th grade academy in 2008 with the remainder of the school to open in 2009. The new southwest high school will relieve overcrowding at West Mesa High School.

A new elementary school will be co-located at Edward Gonzales Elementary School and will primarily relieve overcrowding at Edward Gonzales, but will also provide some relief to Carlos Rey Elementary. The new southwest elementary is planned to be complete in 2008.

To address overcrowding at schools, APS will explore various alternatives. A combination or all of the following options may be utilized to relieve overcrowded schools.

- Provide new capacity (long term solution)
 - Construct new schools or additions
 - Add portables
 - Use of non-classroom spaces for temporary classrooms
 - Lease facilities
 - Use other public facilities
- Improve facility efficiency (short term solution)
 - Schedule Changes
 - Double sessions
 - Multi-track year-round
 - Other
 - Float teachers (flex schedule)
- Shift students to Schools with Capacity (short term solution)
 - Boundary Adjustments / Busing
 - Grade reconfiguration
- Combination of above strategies

All planned additions to existing educational facilities are contingent upon taxpayer approval.

New Mexico State Highway Department:

Case Number: ZCSU 60033

Case description: Special Use Permit for 790 residential unit developments

Location: 9999 De Vargas Street SW, Albuquerque

Type of development (Residential/commercial): Residential

Possible Impacted NMDOT roadway(s): I-40 and Central Avenue.

Departments Comments: Traffic Impact analysis report will be required as this development will have impacts to the Unser and 98th street interchanges as well as several intersection along Central Avenue.

NEIGHBORHOOD ASSOCIATIONS:

The South Valley Coalition of Neighborhood Associations